

August 16, 2007

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

Humboldt County DPW – Upper Bear River Road P.M. 2.70, Embankment Repair
WDID No. 1B07058WNHU

Humboldt County

On May 4, 2007, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Humboldt County Department of Public Works (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities related to a storm damage repair project that involves repairing a failed embankment on Upper Bear River Road at Post Mile 2.70 near Capetown. The proposed project will cause disturbances to waters of the United States associated with Bear River in the Capetown Hydrologic Area No. 112.20.

Upper Bear River Road is a rural gravel road with sections that are directly adjacent to the banks of the Bear River. Severe storm events in December 2005 and January 2006 caused Bear River to overtop its banks and flood portions of Upper Bear River Road. The high flows resulted in erosion damage to a 200 foot long section of the road shoulder and embankment. There are five 15 foot long areas of erosion within the 200 foot long section. The streambank in the erosion areas contains displaced rock slope protection (RSP) that was previously installed during emergency road repairs that were made in response to storm damage that occurred in the winter of 2002. The Regional Water Board also issued a Water Quality Certification in the summer of 2002 for a riparian habitat restoration project along the same section of eroding streambank that included installation of RSP, hard points, and willow and cottonwood plantings.

The purpose of the proposed project is to restore the road shoulder and protect the streambank and roadway from additional erosion. The proposed project involves installation of approximately 80 cubic yards of additional 1/2-ton RSP in the five erosion areas. Equipment used for placing the RSP will be operated from the road surface. The proposed project does not involve any excavation within the stream channel. Existing and displaced RSP will also be picked up and reinstalled in the erosion areas. The RSP that remains stable and the existing willow or cottonwood trees within the stable RSP that were probably planted as part of the previous riparian restoration project will not be removed.

The proposed project will result in 375 square feet (0.009 acre) and 75 linear feet of permanent impacts to a section of the streambank that was previously impacted by emergency erosion repair and riparian habitat restoration projects. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation for this project includes the use of Best Management Practices for sediment and turbidity control and the use of heavy equipment near a waterway. The proposed project is scheduled for the summer 2007 when the flows in Bear River are very low. Construction activities are expected to take three days to complete.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 3, pursuant to Clean Water Act, section 404. The applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project. The Humboldt County Department of Public Works has determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review (section 15301 – existing facilities and section 15304 – minor alterations to land). Based on a review of the project information submitted to date, Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Class 1, Section 15301 – existing facilities) and anticipate filing a Notice of Exemption for this project.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.